



U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

PAGE CHANGE

DOT 5610.1C Chg 2

7-30-85

Subject: PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS - CHANGE

1. PURPOSE. This Page Change transmits changes to Order DOT 5610.1C, Procedures for Considering Environmental Impacts, of 9-18-79. All changes relate solely to the economic authority transferred to the Department from the Civil Aeronautics Board and assigned to the Office of the Secretary.
2. EXPLANATION OF CHANGE. This Page change revises:
  - a. Paragraph 4.c. to add categorical exclusions related to the economic regulation of air carrier operations.
  - b. Paragraph 4.d. to enumerate those kinds of actions that require an environmental assessment or an environmental impact statement (EIS) even though they are normally categorically excluded.
  - c. Paragraph 4.e. to reflect the applicability of the order to points outside the United States.
  - d. Paragraph 21, to indicate the responsible official for approval of environmental documents originating within the Office of the Secretary.
3. FILING INSTRUCTIONS.
  - a.
 

<u>Remove pages</u>	<u>Dated</u>	<u>Insert Pages</u>	<u>Dated</u>
i	9-18-79	i (and ii)	7-30-85
5 and 6	7-13-82	5 and 6	7-30-85
21	9-18-79	21	7-30-85
  - b. After filing the attached pages, this transmittal may be discarded.

FOR THE SECRETARY OF TRANSPORTATION:



Jon H. Seymour  
Acting Assistant Secretary  
for Administration

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OPI: Office of the  
Assistant Secretary for  
Policy & Int's Affairs



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Attachment 1

State and Localities with EIS Requirements

Attachment 2

Form and Content of Environmental Impact Statements

Vertical line denotes change.



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- (4) Operating or maintenance subsidies when the subsidy will not result in a change in the effect on the environment; and
- (5) Other actions identified by the administrations as categorical exclusions pursuant to paragraph 20.
- (6) The following actions relating to economic regulation of airlines:
  - (a) Actions implementing the essential air service program;
  - (b) Enforcement proceedings;
  - (c) Actions approving a carrier agreement; acquisition of control, merger, consolidation, or interlocking relationship;
  - (d) Finding a carrier fit under section 401 of the Federal Aviation Act of 1958, as amended;
  - (e) Approving or setting carrier fares or rates;
  - (f) Route awards involving turboprop aircraft having a capacity of 60 seats or less and a maximum payload capacity of 18,000 pounds or less;
  - (g) Route awards that do not involve supersonic service and will not result in an increase in commercial aircraft operations of one or more percent;
  - (h) Determinations on termination of airline employees;
  - (i) Actions relating to consumer protection, including regulations;
  - (j) Authorizing carriers to serve airports already receiving the type of service authorized;
  - (k) Granting temporary or emergency authority;
  - (l) Negotiating bilateral agreements;
  - (m) Registration of an air taxi operator pursuant to the Department's Regulations (14 CFR Part 298); and
  - (n) Granting of charter authority to a U.S. or foreign air carrier under sections 401, 402 or 416 of the Federal Aviation Act or the Department's Economic Regulations.
- d. Environmental Assessment. An environmental assessment or EIS shall be prepared for actions normally categorically excluded, but which are likely to involve (1) significant impacts on the environment; (2) substantial controversy on environmental grounds; (3) impacts which are more than minimal on properties protected by section 4(f) and sections 106 of the Historic Preservation Act; or (4) inconsistencies with any Federal, State or local law or administrative determination relating to the environment.

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- e. Exemptions. The provisions of this Order do not apply to actions that have an impact primarily outside the United States, except for those actions significantly affecting the environment of a foreign nation not participating in the action, or ecological natural resources designated for protection by the President or the Secretary of State, or the global commons.

5. FINDING OF NO SIGNIFICANT IMPACT.

- a. The FONSI may be attached to an environmental assessment or the environmental assessment and FONSI may be combined into a single document.
- b. Except as provided in subparagraph c. below, a FONSI or environmental assessment need not be coordinated outside the originating office, but must be made available to the public upon request. Notice of availability shall be provided (see suggestions for public notice in CEQ 1506.6(b)). In all cases, notice shall be provided to State and area-wide clearinghouses.
- c. In the circumstances defined in CEQ 1501.4(e)(2), a copy of the environmental assessment should be made available to the public for a period of not less than 30 days before the finding of no significant impact is made and the action is implemented. Consultation with other Federal agencies concerning section 4(f) of the DOT Act, the Historic Preservation Act, section 404 permits and other Federal requirements should be accomplished prior to or during this period.

6. LEAD AGENCIES AND COOPERATING AGENCIES.

- a. The appropriate Operating Administration or Secretarial Office shall serve as the lead agency or joint lead agency for preparing and processing environmental documents when that element has the primary Federal responsibility for the action.
- b. An applicant should to the fullest extent possible serve as a joint lead agency if the applicant is a State agency with State-wide jurisdiction, or is a State or local agency, and the proposed action is subject to State requirements comparable to NEPA. (See CEQ 1506.2.)
- c. Coordination with cooperating agencies shall be initiated early in project planning and shall be continued through all stages of development of the appropriate environmental document.
- d. If an agency requested to be a cooperating agency replies that it will not participate, the agency shall be provided a copy of the draft EIS. If the agency makes adverse comments on the draft EIS (including the adequacy of the EIS or consideration of alternatives or of mitigating measures), or if the agency indicates that it may delay or withhold action on some aspect of the proposal, the matter may be discussed with CEQ.
- e. Where a DOT element is requested to be a cooperating agency, it shall make every effort to participate.

7. PREPARATION AND PROCESSING OF DRAFT ENVIRONMENTAL STATEMENTS.

- a. Scope of Statement. The action covered by the statement should have significance, and must be broad enough in scope to avoid segmentation of projects and to ensure meaningful consideration of alternatives. The scope of the statement should be decided upon during the scoping process. (See also CEQ 1502.20 and para. 7.g. below.) A general class of actions may be covered in a single EIS when the environmental impacts of all the actions are similar.

- c. **Proposed implementing instructions and any substantial amendments thereto shall be submitted to P-1 for review and concurrence.**
  - Consultation with CEO will be assisted by P-1. Proposed and final implementing instructions shall be published in the Federal Register.**

21. **RESPONSIBLE OFFICIAL FOR OFFICE OF THE SECRETARY ACTIONS.**

For the actions originating within the Office of the Secretary, the official responsible for approval of environmental documents is the Office Director of the office originating the action. The Director, Office of Transportation Regulatory Affairs, is responsible for general oversight and advice on environmental matters in liaison with the Assistant General Counsel for Environmental, Civil Rights, and General Law.

**FOR THE SECRETARY OF TRANSPORTATION:**



Robert L. Fairman  
Deputy Assistant Secretary  
for Administration

